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April 1, 2022

Via CM/ECF

Magistrate Judge Lois H. Goodman
United States District Court for the District of New Jersey
Clarkson S. Fisher Building & Courthouse
402 East State Street, Room 2020
Trenton, NJ 08608

Re: **Casey Jurgelevicius, et al. v. Pine Tavern, Inc., et al.**

Docket No.: 3:21-cv-1588

Dear Magistrate Judge Goodman:

Please accept this correspondence as a follow up to today's telephonic conference ("TC") held before Your Honor. The reason for this correspondence is to respectfully request that Your Honor reconsider the percentage of counsel fees allocated to Hill Wallack LLP ("HW") in the above-referenced matter. It is my understanding that HW's fees were reduced, in part, due to a disparity in the number of hours expended to litigate and resolve this matter.

Upon further review of my Certification, HW seeks counsel fees for forty-five (45) hours worked by the undersigned counsel, forty-seven (47) hours worked by my Associate, and one (1) hour worked by a Paralegal. During the TC, Your Honor indicated that the hours committed to each task in my Certification only totaled thirty-seven (37) hours worked for the undersigned counsel and forty-five (45) hours for my Associate. Immediately following the TC, I recalculated the hours set forth in my Certification and determined that the same are correct. We respectively believe that Your Honor may have neglected to include in your calculation the eight

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(8) hours for the undersigned and two (2) hours for my Associate set forth in subsection (x) at the end of my Certification. A copy of my Certification is attached hereto as Exhibit A.

To the extent Your Honor's decision to set HW's fee at thirty-five percent (35%) was influenced by the foregoing disparity, we now respectfully seek reconsideration and ask that the Court increase the percentage to thirty-eight percent (38%), which equates to \$30,477.74. This percentage is consistent with both the agreed upon terms of settlement as set forth by Defendants' counsel in Exhibit B as well as the clients' signed and agreed upon retainer agreements, a sample of which is provided in Exhibit C which is also attached to this correspondence. The Retainer Agreements provides, in pertinent part:

the Firm will be paid the greater of thirty-three percent (33%) of the gross sum of any recovery made on your behalf or the equivalent of the Firm's counsel fees and costs. This fee structure may result in the Firm's payment for its professional services and costs which is greater than the amount which you received for yourself in the settlement.

You are only obligated to pay the Firm if you are successful in recovering a sum from the Respondent(s)/Defendant(s). In no event would you be obligated to pay any sum beyond ninety percent (90%) the recovered sum. The Firm bears the risk of nonpayment if you do not recover any sum.

Susan L. Swatski's current rate is \$500.00 per hour. Associates shall be billed at \$275.00 per hour and paralegals \$95.00 to \$160.00 per hour in accordance with their level of experience.

For each of the foregoing reasons, the undersigned respectfully requests that Your Honor reconsider the percentage of the counsel fee award relative to the total damages.

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Very truly yours,

HILL WALLACK, LLP

/s/Susan L. Swatski

Susan L. Swatski, Esq.

SLS/NES/an

Enc.

Cc: David Tango, Esq.